IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
SECOND APPEAL NO.826 OF 203.

Hindurao Balwant Patil ..Appellant

Versus

Hindurao Gopal Khade,
since deceased through legal heirs
Smt.Shantabai H. Khade & Others ..Respondents

Mr.D.S.Sawant for the appellant

CORAM: S.R.SATHE, J.

DATE : 23rd June, 2005

P.C.

1. Heard learned Advocate for the Appellant. The suit for mandatory injunction filed by the plaintiff was dismissed by the lower court and confirmed by the Appellate Court. Injunction was sought in respect of a lane which is in between the Plaintiff's and Defendant's property. Admittedly, the sale deed by virtue of which the plaintiff purchased the suit property was not produced. It is true that some oral evidence was adduced to show that the lane was in between the property of the plaintiff and the defendant. There is nothing on record to show that the land in question is common between the plaintiff and defendant. The finding of fact recorded by the Courts below cannot be said to be erroneous. No substantial question of law is involved in this appeal.

2. Appeal is dismissed in limini.

(S.R.SATHE, J.)